

March 8, 2001

Honorable Norman K. Ferguson, Senate Chair
Honorable William R. Savage, House Chair
Joint Standing Committee on Utilities & Energy
115 State House Station
Augusta, ME 04333

Re: LD 869, An Act to Establish the Lineworker Safety Act

Dear Senator Ferguson and Representative Savage:

The Commission will testify in support of LD 869, An Act to Establish the Lineworker Safety Act. The Commission will be present at the work session and will be pleased to work with the Committee as it considers this bill.

LD 869 would establish criteria that govern certain safe working practices for transmission and distribution (T&D) utility lineworkers.

The Commission has limited expertise in lineworker safety. We principally rely on the Occupational Safety and Health Administration (OSHA) and the National Electrical Safety Code (NESC) to establish appropriate safety and operating standards for T&D utilities. In addition, we rely on a utility's internal standards negotiated with its experienced employees as indicators of safe practices. Title 35-A M.R.S.A. § 2305-A(2) generally parallels this approach by requiring that each T&D utility design, construct, operate and maintain its lines and equipment in conformance with the NESC.

In February 2000, we opened a summary investigation of the accident that resulted in the death of Central Maine Power Company (CMP) Lineworker 1st Class T&D Brent R. Churchill, pursuant to 35-A M.R.S.A. §§ 710 and 1303(1) and Chapter 130 of the Commission's Rules. In its own investigation of that accident, OSHA recommended that CMP employees receive an 8-hour rest period after a 16-hour workday (i.e., a 16/8 work/rest policy). In February 2000, CMP reached an agreement with its union on a 17/7 work/rest policy. Because of our limited expertise, we reached no independent conclusion on the safety of a 17/7 policy. However, in our decision in the summary investigation, we directed CMP to provide us, by December 31, 2001, a review of its implementation of the 17/7 policy, including an analysis of any modifications and their effect on safety.

The 17/7 policy that this bill would embody in law is consistent with the agreement negotiated between experienced CMP employees, and it is similar to OSHA recommendations. For this reason, we recommend that the Committee vote out LD 869 as "ought to pass." If you have any questions regarding this matter please contact me.

Sincerely,

Marjorie R. McLaughlin
Legislative Liaison